IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Banerjee et al.	: :
	: Before the Examiner:
Serial No: 10/006,059	: Nghi V. Tran
	:
Filed: 12/06/2001	: Group Art Unit: 2151
	:
Title: APPARATUS AND METHOD OF USING XML DOCUMENTS TO PERFORM NETWORK PROTOCOL SIMULATION	: Confirmation No.: 8983 : : : :

APPELLANTS' REPLY BRIEF UNDER 37 CFR §41.41

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply to the Examiner's Answer dated November 27, 2007 in accordance with 37 CFR §41.41.

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RESPONSE TO EXAMINER'S ARGUMENTS

In the RESPONSE TO ARGUMENT section of the Answer Brief, the Examiner argued that "[a]s to point (II), Examiner respectfully disagrees because Applicant's argument does not commensurate with the scope of the claim. The claims 1, 6, 11, and 16 only recite the limitation of changing a part of an XML document to perform network protocol simulation [see claim 1, page of 10 in Appeal Brief]. However, claims 1, 6, 11, and 16 do not recite the limitation of changing a part of an XML document that has been generated using network protocol data packets to perform network protocol simulation (emphasis added)."

Upon a review of the Substitute Appeal Brief filed on August 25, 2007, Appellants did not find an argument that includes *changing a part of an XML document that has been generated using network protocol data packets to perform network protocol*. The arguments proferred by Applicants in August 25, 2007 Brief include:

> Lienhard et al. do not teach, show or suggest the steps of *generating an XML document using network protocol data packets*; and *changing a part of the XML document to perform network protocol simulation* as claimed. Rather Lienhard et al. teach a method by which a real process and a simulator use XML documents to exchange information (see col. 2, lines 11 – 23 and col. 4, lines 41 – 64). Therefore, the XML documents are not generated from network protocol data packets.

Nonetheless, Appellants submit that the Examiner's argument that Claims 1, 6, 11, and 16 do not recite the limitations of changing a part of an XML document that has been generated using network protocol data packets to perform network protocol simulation is disingenuous.

The first element of Claim 1, for example, includes the limitations of *generating an XML document using network protocol data packets*.

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The second element of Claim 1 includes the limitations of **changing a part of the XML document to perform the network protocol simulation**.

Thus, the XML document whose part is being changed to perform the network protocol simulation in the second element is the XML document that was generated using network protocol data packets in the first element.

Consequently, Claim 1 includes the limitations of changing a part of an XML document <u>that has been generated using network protocol data packets</u> to perform network protocol simulation.

Further, the Examiner asserted that Lienhard et al. teach or suggest the claimed invention (i.e., both the first element and the second element of the claims) in col. 4, lines 32 – 64 and col. 2, line 60 to col. 3, line 6 (see Points II and III in the Response to Argument Section of the Examiner's Brief). Appellants disagree.

In col. 4, lines 32 – 64, Lienhard et al. disclose:

> FIG. 1 is a diagrammic overview of a system according to the invention. The process model runs in the simulator 1 which is usually a computer or a computer network of suitable size and speed. The simulator 1 can be coupled to the real process 3 via one or several interfaces 2. Said process can for example be a technical development process in a design laboratory of an industrial enterprise or a process in a motor vehicle registration station, or the process of payment transactions in a bank.
>
> The shown interfaces 2 transmit data in at least one direction; said data being sufficient to provide a synchronously running reflection of the real process in the simulator. Preferably however, the interfaces 2 are bi-directional thus enabling both data transmission from the real process 3 to the simulator 1 and from the simulator 1 to the real process 3. Both preferably take place via simple data exchange, e.g. by means of XML documents, as mentioned above,

i.e. the process model data is for example directly transmitted as an XML document from the simulator 1 to the real process 3. Conversely, the real process 3 can return XML data to the simulator 1. Thus in the first direction the behaviour of the real process is influenced while during feedback a depiction of the state takes place from the real process 3 to the simulator 1.

As a result of adaptability of the new tool to the system implementing the real process, combined with the simple export of process model data, e.g. as an XML document, simple and efficient coupling between the simulated process model and the real process is achieved without the need for a complex interface to handle data conversion in both directions. In particular when the internet standard XML is used, the two partial systems can also be coupled directly via the internet.

In the above-reproduced passages, Lienhard et al. disclose a process model (i.e., simulation of a process) and the (real) process coupled to each other via an interface. Direct data exchange between the process model and the real process occurs through the interface via XML documents obviating the need for a complex interface to handle data conversion in both directions.

Thus, Lienhard et al. do not teach the step of generating an XML document *using network protocol data packets*.

Further, Lienhard et al. do not teach or suggest changing any part of an XML document for any reason. More importantly, Lienhard et al. do not teach or suggest *performing network protocol simulation*, much less *changing a part of the XML document to perform network protocol simulations*.

In col. 2, line 60 to col. 3, line 8, Lienhard et al. disclose:

As has already been mentioned, the novel tool can also be used without direct coupling to a real process. Due to its simple and intelligent handling, it provides advantages when compared to

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known solutions. As will be shown below, in particular its structure and characteristics make it suitable to be transmitted as a so-called applet, if necessary together with the process model, via the internet or via an (enterprise-internal) intranet. The resulting practically instant propagation, adaptation or modification, together with the possibility of simultaneous access, provides entirely new possibilities. In particular the simultaneous and instant propagation or publication, via internet or intranet, of the dynamic models generated, allows completely novel application of information technology within enterprises and administrations. Details are provided in the embodiment of the invention described below.

Here again, Lienhard et al do not teach or suggest the step of generating an XML document *using network protocol data packets* or teach the step of changing any part of any XML document for any reason and certainly not to *perform network protocol simulation*.

Based on the foregoing, Appellants submit that the claims are not anticipated by the teachings of Lienhard et al. and kindly request withdrawal of the rejection.

Respectfully Submitted

By: _____
Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

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